

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

IN RE:

COMMERCIAL FINANCIAL SERVICES,  
INC. and CF/SPC NGU, INC.,

Debtor,

WILLIAM KUNTZ, III,

Appellant,

vs.

COMMERCIAL FINANCIAL SERVICES,  
INC., and CF/SPC NG,

Appellees.

**F I L E D**

MAY 25 2000

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

Case No. 99-CV-927-B(M)

ENTERED ON DOCKET

DATE MAY 26 2000

**REPORT AND RECOMMENDATION**

The undersigned United States Magistrate Judge RECOMMENDS that this case be DISMISSED.

By order filed April 24, 2000, the undersigned ordered Appellant to file a written brief, on or before May 5, 2000, explaining why his appeal should not be dismissed for his failure to file a designation of record or pay a filing fee. [Dkt. 4]. On April 24, 2000, Appellant filed a document entitled "Response of Appellant and request for enlargement of Time" [Dkt. 5]. That document pertained to orders entered in other appeals Appellant has filed in the Northern District of Oklahoma, 99-CV-926; 99-CV-928; and 99-CV-929, it did not address the order entered in *this* case.

On May 8, 2000, the undersigned entered an order advising Appellant that he was required to file a brief in this case specifically addressing: (1) the reasons for his failure to pay a filing fee on or before September 13, 1999, as required by the

bankruptcy court; and (2) his failure to file a designation of record in accordance with Fed.R. Bankr.P. 8006. That brief was due on or before May 16, 2000. [Dkt. 6]. To date, Appellant has failed to comply with either the April 24 or the May 8 orders.

The undersigned recommends that the appeal be dismissed due to Appellant's failure to designate the record on appeal pursuant to Fed.R. Bank.P. 8006; his failure to pay the requisite filing fee as ordered by the bankruptcy court; his failure to comply with this court's orders; and his failure to timely prosecute this appeal.

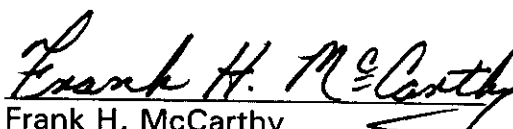
In accordance with 28 U.S.C. §636(b) and Fed. R. Civ. P. 72(b), any objections to this report and recommendation must be filed with the Clerk of the District Court for the Northern District of Oklahoma within ten (10) days of being served with a copy of this report. Failure to file objections within the time specified waives the right to appeal from the judgment of the District Court based upon the factual findings and legal questions addressed in the report and recommendation of the Magistrate Judge. *Haney v. Addison*, 175 F.3d 1217, 1219-20 (10th Cir. 1999), *Talley v. Hesse*, 91 F.3d 1411, 1412 (10th Cir. 1996), *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

DATED this 25<sup>th</sup> Day of May, 2000.

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the

26 Day of May, 2000, at OK.

  
Frank H. McCarthy  
UNITED STATES MAGISTRATE JUDGE